LET JUSTICE BE DONE

The writ of *habeas corpus* is older than the Bill of Rights itself, and is in the main body of the Constitution. When Mondo applied for a writ of *habeas corpus* to the federal courts, as was the practice at that time, U.S. District Court Judge Warren Urbom overturned his conviction, finding the prosecution's assertion of probable cause for searching his house was "not credible." The Eighth Circuit Court of Appeals agreed, and ordered that Mondo be retried without the illegally obtained evidence, or released in 90 days. The state appealed to the U.S. Supreme Court.

The Constitution provides that Congress write the law, and the Supreme Court interpret it. In *Rice v. Wolff* the Supreme Court didn't interpret the law, they changed it, by deciding they would no longer hear Fourth Amendment claims on *habeas corpus*, instead requiring that prisoners with Fourth Amendment claims apply to the State courts for a writ of *certiorari*.

The Supreme Court decision in *Rice v. Wolff* did not disagree with the lower courts that Mondo's Constitutional rights had been violated, and did not overturn the lower courts' rulings. It simply ignored them.

Mondo complied with the decision. He applied to the State Supreme Court for a writ of *certiorari*. Guess what? He was told it was too late, he had run out of time to file the writ. So, if the Supreme Court's ruling that most prisoners are guilty and don't deserve new trials results in all prisoners losing their opportunity for redress -- well, you can't make an omelet without breaking eggs. And, the courts have asserted that the state Boards of Pardons can rescue those who fall between the cracks of the crumbling Bill of Rights.

But -- another Catch 22 -- in their eagerness to show how tough they can be on crime, the Nebraska Pardons Board has politicized the pardons and commutation process, and decided that NOBODY should get out. Mondo's case is a prime example: although the Nebraska Parole Board recommended annually for five years that the Nebraska Pardons Board commute Ed's and Mondo's sentences to time served, the Pardons Board will not even agree to a hearing.

Over the years, the courts, Amnesty International, the NAACP, Jericho '98 and many other human rights groups have asserted again and again that these men should either have a new trial, or be released immediately..

It's one thing to be "tough on crime;" it's another to review the circumstances of each case, and see that justice is fairly administered.

Ask that justice be done -- Write the Nebraska Board of Pardons NOW!

POLITICAL PRISONERS IN THE U.S.

"A Political Prisoner is a person incarcerated for actions taken in support of legitimate struggles for self-determination or for opposing illegal policies of the government ... Our government denies that anyone incarcerated in a U.S. prison fits [this definition] -- but governments have always found 'legal' ways to imprison political dissidents ... Amnesty International, respected worldwide, and taken very seriously by the U.S. government when it accuses China of abrogating human rights, has expressed its serious concern about the issue of Political Prisoners in the U.S. ..."

Bonnie Kerness, Director, Criminal Justice Program of the American Friends Service Committee, Newark, N.J.

This flyer is published by the Omaha Justice Committee. OJC also publishes Buffalo Chip, *a quarterly newsletter on human rights and political prisoners, with a special Nebraska focus. To be included on the mailing list, write OJC, 1314 S. 9th St., Omaha, NE 68108.*

FREE MONDO NOW!



Wopashitwe Mondo Eyen we Langa

David Rice, who adopted the African name Wopashitwe Mondo Eyen we Langa ("Mondo"), was convicted of first-degree murder in the 1970 bombing death of an Omaha police officer. He and co-defendant Ed Poindexter were sentenced to life in prison in 1971. Both men still assert their innocence, and there is much evidence to cast doubt on the case against them.

Mondo's record in prison over 27 years is exemplary. For five consecutive years the Parole Board recommended that the Pardons Board commute his life sentence to time served, which would make him eligible for parole.

Now, Mondo plans to petition the Nebraska Board of Pardons (Governor Mike Johanns, Attorney General Don Stenberg, and Secretary of State Scott Moore) to commute his sentence to time served. It is vitally important that the Pardons Board hear from as many people as possible.

Please: Write now to: The Nebraska Board of Pardons, PO Box 80547 Lincoln, NE 68501, and ask that Mondo's sentence be commuted to time served.

WHY THE BOARD OF PARDONS SHOULD COMMUTE MONDO'S SENTENCE

The FBI's J. Edgar Hoover described COINTELPRO in a 1970 memo: "Purpose of counterintelligence action is to disrupt BPP [Black Panther Party] *and it is immaterial whether facts exist to substantiate the [charges]"* (emphasis added). Congressional hearings revealed the abuses long after the damage had been done.

When Ed and Mondo obtained copies of their files, they found tangible evidence that clearly demonstrated what they had been saying all along: they had been targeted by the FBI and local police. One FBI memo clearly shows that Omaha police and the FBI colluded to withhold evidence vital to the defense -- evidence that, had it been heard by the jury, may have raised doubts in their minds.

An excerpt from the FBI memo reads:

"Assistant COP GLENN GATES, Omaha PD, advised that he feels that any use of tapes of this call might be prejudicial to the police murder trial against two accomplices of PEAK and, therefore, has advised that he wishes no use of this tape until after the murder trials of PEAK and the two accomplices has been completed."

*Given the racism of J. Edgar Hoover (whose spying extended to Dr. Martin Luther King, Jr., as well as other dissidents); and

*Given the evidence of consistent spying and interference with the constitutional rights of Black Panthers throughout the country; and

*Given the Federal District Court decision to overtum Mondo's conviction, which was upheld by the Eighth Circuit Court of Appeals; and

*Given the fact that the U.S. Supreme Court did not disagree with the lower courts, but changed the rules in a way that made it impossible for Mondo to find redress through the State courts:

It is reasonable and just that the Nebraska Board of Pardons should take all these facts into consideration, and commute Mondo's sentence to time served.

LETTERS OF SUPPORT

Your Letter or signature on a petition to the Nebraska Board of Pardons will join with others who feel that Nebraska justice can only be done when Mondo Wopashitwe Eyen we Langa is set free. Here are some excerpts of letters already sent from people and groups around the world:

"We recognize that our decision to support Rice and Poindexter may not sit well with others in law enforcement, with one exception. That exception would be, except for those who are truly interested in justice being served. We should not fear the truth ... We hope that you depart from the hype surrounding this case and allow David Rice, aka Mondo, and Edward Poindexter, to be heard in front of your board."
**Brotherhood of the Midwest Guardians (an organization of active and retired African-American police officers*

"I do not think ... that [Rice and Poindexter] had anything to do with ... killing the police officer ... it has always been a burden on my conscience that two men are serving a life sentence who have never evidenced a violent tendency.
**Frank B. Morrison, Sr., former Governor of Nebraska*

"In 1980, former FBI Director L. Patrick Grey and Edward S. Miller, one-time head of Squad 47, the domestic counterintelligence section of the FBI's New York Field Office, were convicted of having 'conspired to injure and oppress the citizens of the United States.' The context of their crimes was the FBI's COINTELPRO (Counterintelligence Program) ... Neither Grey nor Miller ever spent a day in jail as a result of their convictions. In April 1981, President Ronald Reagan interrupted their appeals process to announce that he was bestowing pardons on both men. The reason stated was that their misdeeds had occurred during an especially turbulent and divisive period in U.S. history ... No action was forthcoming from the Reagan administration in this connection, however, and former Panthers continued to serve time, many of them on the basis of verdicts showing clear signs of having been reached by way of COINTELPRO manipulations."
** Ward Churchill, Author*

"Notwithstanding the paltry evidence against them, have not Mondo we Langa and Ed Poindexter served long enough -- for a political crime it was not proved they committed? Are we afraid of these men or do we keep them in prison to remind others that one must not harbor ... radical ideas?" **Ruth Thone, Author*

"I wish to give my support for a commutation to time served ... It is very clear to me that under the regime of J. Edgar Hoover a lot of terrible things were done ... As in the case of Nelson Mandela it is time to look forward not back and allow these two men to have their lives back. Clearly 30 years is far too long to deny someone justice." **David Buckley, London*

"Certain irregularities in the procedure by which Mondo was charged and convicted suggest that he should never have been imprisoned at all. In particular, the well-known circumstances under which Duane Peak changed his testimony raise questions about the validity of Mondo's conviction."
**Susan Miller, Asst. Prof. of History, UN-Lincoln*

"NAACP, Jericho '98 and the Congressional Black Caucus have all taken up ... [this] case. Yet, one member of the Board of Pardons has stated that there are 'no circumstances' under which the sentences would be commuted. As an American, I am appalled by the Board's position."
**Bryan Williams, Cambridge, England*

"When I met Mr. Mondo, I saw a symbol of leadership, integrity and humility."
**Paul O. Ajuoga, M.S., M.S., C.P.C., Secretary General, AllAfrican Peoples Organization*

"...Omaha Opportunities Industrialization Center feel[s] he would be a great asset in developing the North Omaha Community ... We hope that you will grant Mr. Rice parole this time around."
**Dr. Bernice Stephens Dodd, Pres., OOIC*